

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

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4 TAMARA JONES,

Case No. 2:21-cv-00311-APG-EJY

5 Plaintiff,

6 v.

7 DEPARTMENT OF VETERAN AFFAIRS
8 MILWAUKEE FIDUCIARY HUB, et al.,

9 Defendants.

10 Before the Court are Defendants' Motion to Stay Discovery and to Defer Submission of

11 Discovery Plan (ECF No. 33), Plaintiff's Motion for Sanction (ECF No. 34), and Plaintiff's

12 Discovery Plan and Scheduling Order (ECF No. 35). Defendants ask the Court to stay discovery

13 and defer the deadline for submitting a discovery plan and scheduling order pending the

14 consideration of their Motion to Dismiss (ECF No. 27). Defendants' Motion to Stay Discovery is

15 unopposed.

16 The Court has inherent power to manage proceedings by ordering a stay of discovery. *Bacon*

17 *v. Reyes*, Case No. 2:12-cv-01222-JCM, 2013 WL 5522263, at *5 (D. Nev. Oct. 3, 2013). Under

18 LR 7-2(d), the failure of an opposing party to file points and authorities in response to any motion,

19 except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the

20 granting of the motion. Further, a motion to stay discovery, while far from automatic, is appropriate

21 when there is no need for further exploration of facts, and issues before the Court in a motion are

22 questions of law the outcome of which are potentially case dispositive. *Tradebay, LLC v. eBay, Inc.*,

23 278 F.R.D. 597, 602 (D. Nev. 2011). A "preliminary peek" of Defendants' Motion for a Stay of

24 Discovery (ECF No. 33) shows that the Motion to Dismiss is potentially dispositive. *Tradebay*, 278

25 F.R.D. at 603. All other factors also support a stay. See ECF No. 33 at 4.

26 Accordingly, IT IS HEREBY ORDERED that the Motion to Stay Discovery and Defer

27 Submission of Discovery Plan (ECF No. 33) is GRANTED.

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ORDER

1 IT IS FURTHER ORDERED that Plaintiff's Motion for Sanctions (ECF No. 34) and
2 Discovery Plan and Scheduling Order (ECF No. 35) are DENIED.
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4 Dated this 9th day of December, 2021.

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7 ELAYNA J. YOUCRAH
8 UNITED STATES MAGISTRATE JUDGE
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